

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL HOUSING FINANCE AGENCY,  
AS CONSERVATOR FOR THE FEDERAL  
NATIONAL MORTGAGE ASSOCIATION  
AND THE FEDERAL HOME LOAN  
MORTGAGE CORPORATION,

Plaintiff,

- against -

MORGAN STANLEY, MORGAN STANLEY  
& CO., INC., MORGAN STANLEY  
MORTGAGE CAPITAL HOLDINGS LLC  
d/b/a MORGAN STANLEY MORTGAGE  
CAPITAL, INC., MORGAN STANLEY ABS  
CAPITAL I, INC., MORGAN STANLEY  
CAPITAL I, INC., SAXON CAPITAL, INC.,  
SAXON FUNDING MANAGEMENT LLC  
f/k/a SAXON FUNDING MANAGEMENT,  
INC., SAXON ASSET SECURITIES  
COMPANY, CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC, RBS SECURITIES, INC.  
d/b/a RBS GREENWICH CAPITAL and f/k/a  
GREENWICH CAPITAL MARKETS, INC.,  
GAIL P. MCDONNELL, HOWARD  
HUBLER, CRAIG S. PHILLIPS,  
ALEXANDER C. FRANK, DAVID R.  
WARREN, JOHN E. WESTERFIELD, and  
STEVEN S. STERN,

Case No. 11 Civ. 6739 (PKC)

Defendants.

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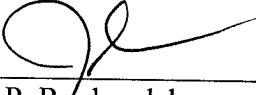
**NOTICE OF JOINDER IN REMOVAL OF CIVIL ACTION**

PLEASE TAKE NOTICE THAT defendants Gail P. McDonnell, Howard Hubler, Craig S. Phillips, Alexander C. Frank, David R. Warren, John E. Westerfield, and Steven S. Stern, pursuant to 28 U.S.C. §§ 1441(a), 1446(a), and 1452(a), hereby consent to, join in and adopt as if

filed as their own the Notice of Removal filed by Removing Defendants Morgan Stanley, Morgan Stanley & Co. Incorporated (n/k/a Morgan Stanley & Co. LLC), Morgan Stanley Mortgage Capital Holdings LLC (successor in interest to Morgan Stanley Mortgage Capital Inc.), Morgan Stanley ABS Capital I Inc., Morgan Stanley Capital I Inc., Saxon Capital, Inc., Saxon Funding Management LLC (f/k/a Saxon Funding Management, Inc.), and Saxon Asset Securities Company in the United States District Court for the Southern District of New York on September 26, 2011.<sup>1</sup>

Dated: New York, New York  
October 6, 2011

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Howard Hubler, Craig S. Phillips, Alexander  
C. Frank, David R. Warren, John E.  
Westerfield, and Steven S. Stern*

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<sup>1</sup> By joining in removal, the defendants do not waive and expressly reserve all rights, claims, and defenses, including without limitation all defenses related to jurisdiction, venue, and arbitrability. The defendants do not waive any defenses they may have to personal jurisdiction through joining in removal. Defendants note that filing of this joinder is not required to effectuate removal pursuant to 28 U.S.C. § 1452(a). See Cal. Pub. Employees' Ret. Sys. v. Worldcom, 368 F.3d 86, 103 (2d Cir. 2004); Kirschner v. Bennett, No. 07 Civ. 8165, 2008 WL 1990669, at \*2 & n.5 (S.D.N.Y. May 7, 2008); Buechner v. Avery, No. 05 Civ. 2074, 2005 WL 3789110, at \*4 (S.D.N.Y. July 8, 2005).